

**PATENT APPLICATION**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: Q86272

Hirokazu KUBOTA, et al.

Appln. No.: National Stage Entry of PCT/JP03/10769

Confirmation No.: not yet assigned

Group Art Unit: not yet assigned

Filed: February 24, 2005

Examiner: not yet assigned

For: NOVEL CRYSTAL

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. §§ 1.97 and 1.98**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B (modified) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

One copy of each of the listed documents is submitted herewith, except for the following: EP 1,024,138 (not presently available, although counterparts are provided), U.S. patents and/or U.S. patent publications; and co-pending non-provisional U.S. applications filed after June 30, 2003.

The present Information Disclosure Statement is being filed: (1) No later than three months from the application's filing date; (2) Before the mailing date of the first Office Action on the merits (whichever is later); or (3) Before the mailing date of the first Office Action after

filing a request for continued examination (RCE) under § 1.114, and therefore, no Statement under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required.

In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for JP-A- 2000-256358, Applicant encloses herewith a copy of International Search Report (ISR) indicating the degree of relevance found by the International Bureau. Also, an English-language Abstract is provided.

In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicant submits the following explanations:

U.S. Published Application No. 2001/011090 corresponds to WO99/19303, which also includes an English abstract, and corresponds to EP 1,024,138 (cited in the ISR). Applicant further notes that U.S. Patent No. 6,506,747 corresponds to WO99/62885 (English, also cited in the ISR).

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

INFORMATION DISCLOSURE STATEMENT  
National Stage Entry of PCT/JP03/10769

Q86272

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this paper is attached.

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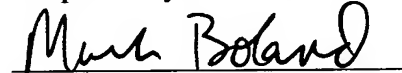
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23373

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Date: February 24, 2005

Respectfully submitted,



Mark Boland  
Registration No. 32,197

Substitute for Form 1449 A &amp; B/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Complete if Known 10/525709

<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)				Application Number	National Stage Entry of PCT/JP03/10769
				Confirmation Number	Not yet assigned
				Filing Date	February 24, 2005
				First Named Inventor	Hirokazu KUBOTA
				Art Unit	Not yet assigned
				Examiner Name	Not yet assigned
Sheet	1	of	1	Attorney Docket Number	Q86272

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		Number	Kind Code <sup>2</sup> (if known)		
		US 2001-011090	A1	8/2/2001	Kubota et al.
		US 6,506,747	B1	1/14/2003	Betageri et al.
		US			
		US			
		US			
		US			
		US			
		US			
		US			

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Translation <sup>6</sup>
		Country Code <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)			
		EP	1,024,138	A1	8/2/2000	YAMANOUCHI PHARMACEUTICAL CO., LTD.	
		JP	2000-256358	A	9/19/2000	YAMANOUCHI PHARMACEUTICAL CO. LTD.	Abstract
		WO	99/19303	A1	4/22/1999	YAMANOUCHI PHARMACEUTICAL CO., LTD.	Abstract
		WO	99/62885	A1	12/9/1999	BOEHRINGER INGELHEIM PHARMACEUTICALS, INC.	English
		WO	99/51580	A1	10/14/1999	ABBOTT LABORATORIES	English

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city, and/or country where published.	Translation <sup>6</sup>
		International Search Report for PCT/JP03/10769 dated October 28, 2003	

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kind Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov), MPEP 901.04 or in the comment box of this document. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST. 3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to indicate here if English language Translation is attached.